

TWENTY-SEVENTH DAY
(Thursday, March 7, 1991)

The Senate met at 9:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Absent-excused: Ellis.

A quorum was announced present.

Father George Artis, Holy Cross Catholic Church, Austin, offered the invocation as follows:

Heavenly Father, without You we stand alone, unable to break the barriers which separate men, unwilling to rise above all that is small, powerless to be free, and powerless to be ourselves. Send over us, the Senate of the great State of Texas, Your spirit, that we may build families without poverty, that we may build communities without fear, that we may build cities without ghettos, that we may build a country without injustice, that we may build a world without war.

This work You have placed into our hands, and we are glad. May everything that we touch come alive with the power of Your love, that thus we may truly be Your people, giving praise and service to You forever and ever. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Ellis was granted leave of absence for today on account of important business on motion of Senator Brooks.

CO-AUTHOR OF SENATE BILL 10

On motion of Senator Brown and by unanimous consent, Senator Brooks will be shown as Co-author of S.B. 10.

REPORT OF STANDING COMMITTEE

Senator Whitmire submitted the following report for the Committee on Intergovernmental Relations:

S.B. 299
S.B. 513
S.B. 201
S.B. 106
S.B. 172
S.B. 294
S.B. 311
S.B. 282
C.S.S.B. 277

RESOLUTION SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolution:

S.C.R. 19

(Senator Glasgow in Chair)

GUESTS PRESENTED

Senator Green was recognized and introduced Mary Katherine Zaruba, who was selected as one of the featured artists in the Youth Art Month Exhibit in the Rotunda of the State Capitol. Miss Zaruba was accompanied by her mother and brother.

The Senate welcomed these guests.

An enrolled copy of **S.R. 256**, previously adopted by the Senate on February 26, 1991, was prepared for Miss Zaruba.

SENATE BILL 300 ON THIRD READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

S.B. 300, Relating to salary payments to state employees who are called to active military duty.

The bill was read third time.

Senator Montford offered the following amendment to the bill:

Amend **S.B. 300** in Section 2 as follows:

(1) In Section 2(b)(1), between "out of" and "amounts appropriated" (Committee Printing page 1, line 58), insert "the unexpended balances from".

MONTFORD
BROOKS

By unanimous consent, the amendment was read and was adopted by a viva voce vote.

On motion of Senator Brooks and by unanimous consent, the caption was again amended to conform to the body of the bill as amended.

The bill as amended was finally passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Ellis.

**COMMITTEE SUBSTITUTE
SENATE BILL 385 ON SECOND READING**

Senator Truan moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that **C.S.S.B. 385** be taken up for consideration at this time:

C.S.S.B. 385, Relating to the authorization of a hotel tax by counties bordering the Gulf of Mexico and to the use of the revenue generated by the tax.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Ellis.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 385 ON THIRD READING**

Senator Truan moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 385 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Ellis.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 97 ON SECOND READING**

Senator Leedom moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 97 be taken up for consideration at this time:

C.S.S.B. 97, Relating to printing evaluations by the State Purchasing and General Services Commission.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Ellis.

The bill was read second time.

Senator Montford offered the following amendment to the bill:

Amend C.S.S.B. 97, Section 1, Subsection (b) on line 56, page 1 (Committee Printing) by adding new Subdivision (8) beginning on line 56 as follows:

(8) develop procedures for the recovery of the commission's reasonable costs, under the provisions of Chapter 317, Government Code Act, out of amounts appropriated to the state agencies in which identified savings are achieved.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Leedom and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 97 ON THIRD READING**

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 97 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Ellis.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 567 ON SECOND READING**

Senator Zaffirini moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 567 be taken up for consideration at this time:

C.S.S.B. 567, Relating to certain continuing education requirements for a dental hygienist license.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Ellis.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 567 ON THIRD READING**

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 567 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Ellis.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 334 ON SECOND READING**

Senator Whitmire moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 334 be taken up for consideration at this time:

C.S.S.B. 334, Relating to the ability of certain persons to have a court grant a change of name order.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Ellis.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 334 ON THIRD READING**

Senator Whitmire moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 334 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Ellis.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 435 ON SECOND READING**

Senator Green moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 435 be taken up for consideration at this time:

C.S.S.B. 435, Relating to dismissal of certain misdemeanor charges upon completing a driving safety course.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Ellis.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 435 ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 435 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Ellis.

The bill was read third time and was passed by a viva voce vote.

(President in Chair)

SENATE BILL 10 ON SECOND READING

Senator Brown moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that S.B. 10 be taken up for consideration at this time:

S.B. 10, Relating to the murder of an individual under six years of age as a capital offense.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Dickson, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Montford, Ratliff, Sibley, Sims, Tejada, Truan, Turner, Whitmire, Zaffirini.

Nays: Carriker, Glasgow, Moncrief, Parker.

Absent: Rosson.

Absent-excused: Ellis.

The bill was read second time.

Senator Parker offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 10** by substituting (18) eighteen for the word six on line 42, page 1.

The amendment was read.

(Senator Whitmire in Chair)

Senator Lyon offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to S.B. 10 as follows:

Amend S.B. 10, line 43 on page 1 of the printed bill to read as follows:
“(7) by striking “six” and substituting “ten””

The amendment to the amendment was read and was adopted by the following vote: Yeas 25, Nays 4.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Dickson, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Ratliff, Sibley, Sims, Tejada, Truan, Turner, Zaffirini.

Nays: Carriker, Glasgow, Parker, Whitmire.

Absent: Rosson.

Absent-excused: Ellis.

Question—Shall Floor Amendment No. 1 as amended be adopted?

Senator Brown moved to table Floor Amendment No. 1 as amended.

The motion to table was lost by the following vote: Yeas 9, Nays 20.

Yeas: Armbrister, Brooks, Brown, Carriker, Glasgow, Harris of Dallas, Leedom, Ratliff, Sims.

Nays: Barrientos, Bivins, Dickson, Green, Haley, Harris of Tarrant, Henderson, Johnson, Krier, Lucio, Lyon, Moncrief, Montford, Parker, Sibley, Tejada, Truan, Turner, Whitmire, Zaffirini.

Absent: Rosson.

Absent-excused: Ellis.

Question recurring on the adoption of Floor Amendment No. 1 as amended, the amendment as amended was adopted by a viva voce vote.

On motion of Senator Brown and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

(President in Chair)

SENATE BILL 10 ON THIRD READING

Senator Brown moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 10 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Armbrister, Bivins, Brooks, Brown, Dickson, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Krier, Leedom, Lucio, Lyon, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejada, Truan, Turner, Whitmire, Zaffirini.

Nays: Barrientos, Carriker, Glasgow, Johnson, Moncrief.

Absent-excused: Ellis.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Barrientos and Glasgow asked to be recorded as voting "Nay" on the final passage of the bill.

REASON FOR VOTE

Even though I voted to bring up **S.B. 10** I have always had strong reservations about capital punishment. In particular, I cannot support final passage of **S.B. 10** because it does not require knowledge on the part of the actor. Mens rea is a fundamental element of a murder crime. This bill differentiates between a child of 9 years and 11 months and one that is 10 years and one day. In most cases, there is no way a murderer will have knowledge of a person's age. For constitutional purposes there must be a rational basis for categorizing those individuals included under the offense of capital punishment. In this case I do not believe **S.B. 10** provides a rational basis that would withstand constitutional scrutiny. Therefore, I cannot in good faith vote for this measure.

BARRIENTOS

MESSAGE FROM THE HOUSE

House Chamber
March 7, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 24, In memory of the Honorable William M. "Bill" Rapp.

H.C.R. 90, Commending Comer Cottrell for his investment in the future of higher education.

H.C.R. 98, Congratulating the Railroad Commission of Texas on the occasion of its centennial.

S.C.R. 43, Directing the State Preservation Board to declare as surplus property the gazebo currently located on the southeast grounds of the Capitol and transfer that property to the city of Bronte.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

CAPITOL PHYSICIAN

Senator Krier was recognized and presented Dr. James Martin, past president of the Texas Academy of Family Physicians, and his son, Jeremy, of San Antonio.

Dr. Martin, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for his service today.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

On motion of Senator Barrientos and by unanimous consent, Senate Rule 14.02 was suspended in order to consider for confirmation those nominees reported yesterday afternoon by the Committee on Nominations.

Senator Barrientos moved confirmation of the nominees reported by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees, reported by the Committee on Nominations, were confirmed by the following vote: Yeas 30, Nays 0.

Absent-excused: Ellis.

Members, Texas Board of Health: DR. RAMIRO R. CASSO, Hidalgo County; WILLIAM A. SCOTT, Harris County; MS. RUTH F. STEWART, Bexar County.

Member, Texas Board of Human Services: ROBERT GEYER, El Paso County.

Members, Agricultural Resources Protection Authority: W. THOMAS BEARD III, Brewster County; MRS. INEZ SUDERMAN, Hidalgo County.

Member, Board of Trustees of the Texas County and District Retirement System: BILL W. WALLIS, Smith County.

SENATE BILL 614 REREFERRED

On motion of Senator Barrientos and by unanimous consent, S.B. 614 was withdrawn from the Committee on Economic Development and rereferred to the Committee on Education.

MESSAGE FROM THE HOUSE

House Chamber
March 7, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 262, Relating to the distribution of certain motor vehicle insurance premiums to members of the United States armed forces on active duty in a combat theater of operations.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

MOTION TO ADJOURN

On motion of Senator Brooks and by unanimous consent, the Senate at 11:25 a.m. agreed to stand adjourned until 2:00 p.m. Monday, March 11, 1991, upon completion of the referral of bills and resolutions on first reading.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
March 7, 1991

TO THE SENATE OF THE SEVENTY-SECOND LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE TEXAS TECH UNIVERSITY BOARD OF REGENTS, for a term to expire January 31, 1997:

PATSY WOODS MARTIN
3222 Gilbert
Austin, Texas 78703

Ms. Martin will be replacing Wendell Mayes, Jr., of Austin, whose term expired.

TO BE A MEMBER OF THE STATE PURCHASING AND GENERAL SERVICES COMMISSION, for a term to expire January 31, 1997:

ANNE SHELMIRE WYNNE
2405 Pemberton Place
Austin, Texas 78703

Ms. Wynne will be replacing Kenneth R. Epley of San Angelo, whose term expired.

TO BE A MEMBER OF EAST TEXAS STATE UNIVERSITY BOARD OF REGENTS, for a term to expire February 15, 1997:

WILLIAM T. TAYLOR III
2615 Barbee
Houston, Texas 77004

Mr. Taylor will be replacing Larry D. Franklin of San Antonio, whose term expired.

TO BE A MEMBER OF THE TEXAS GUARANTEED STUDENT LOAN CORPORATION BOARD OF DIRECTORS, for a term to expire January 31, 1997:

LEE ELLIOTT BROWN
3339 Wentworth
Houston, Texas 77004

Ms. Brown will be replacing George M. Crews of Bedford, whose term expired.

TO BE A MEMBER OF THE TEXAS HISTORICAL COMMISSION, for a term to expire February 1, 1997:

WILLIE LEE GAY
3908 Carlson Lane
Houston, Texas 77047

Ms. Gay will be replacing Lunelle A. Anderson of San Marcos, whose term expired.

TO BE A MEMBER OF THE TEXAS STATE UNIVERSITY SYSTEM BOARD OF REGENTS, for a term to expire February 1, 1997:

BECKY R. ESPINO
1102 N. Colpitts
Fort Stockton, Texas 79735

Ms. Espino will be replacing Ed J. Longcope of San Marcos, whose term expired.

TO BE JUDGE OF CRIMINAL DISTRICT COURT NO. 4, DALLAS COUNTY, until the next General Election and until his successor shall be duly elected and qualified:

JOHN C. CREUZOT
5017 Mission
Dallas, Texas 75206

Mr. Creuzot will be replacing Francis J. Maloney of Dallas, who was elected Justice of the Fifth Court of Appeals.

Respectfully submitted,

/s/Ann W. Richards
Governor of Texas

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.C.R. 60 by Lyon Education
Encouraging all independent school districts to fully utilize the Education for Self Responsibility II: Prevention of Drug Use curriculum guide.

S.C.R. 61 by Ellis Administration
Granting Way Engineering Company, Inc., permission to sue the State of Texas and the University of Houston System.

S.C.R. 62 by Haley Administration
Authorizing the lieutenant governor and speaker of the house of representatives to create such joint select committees as they consider necessary during the term of this legislature.

S.J.R. 27 by Johnson State Affairs
Proposing a constitutional amendment increasing the size of the railroad commission to six members.

S.J.R. 28 by Dickson, Sibley Finance
Proposing a constitutional amendment entitling Texas State Technical Institute to a share of certain constitutionally dedicated funds.

S.B. 735 by Parker State Affairs
Relating to the creation, administration, powers, duties, and financing of the Texas public school employees group insurance program.

S.B. 737 by Barrientos Intergovernmental Relations
Relating to the establishment of, participation and credit in, and benefits and administration of, a retirement system for employees of certain municipalities.

S.B. 738 by Barrientos Intergovernmental Relations
Relating to the establishment of, participation and credit in, and benefits and administration of, a retirement system for police officers in certain municipalities.

S.B. 739 by Harris of Dallas Criminal Justice
Relating to the punishment for certain offenses involving theft, misapplication of fiduciary or other property, or securities fraud.

S.B. 740 by Harris of Dallas Criminal Justice
Relating to the period of limitation for the presentment of an indictment for fraud or a violation of The Securities Act.

S.B. 741 by Harris of Dallas Criminal Justice
Relating to the punishment for theft involving property with a value of \$100,000 or more or certain real property.

S.B. 742 by Sims Natural Resources
Relating to providing for methods and procedures for the eradication of boll weevils in cotton; providing penalties.

S.B. 744 by Sims Natural Resources
Relating to a nonresidency licensing requirement for hunting turkeys during the spring turkey hunting season.

S.B. 745 by Sims Natural Resources
Relating to the criminal offense of hunting on public waters.

- S.B. 746** by Sims Criminal Justice
Relating to the authority of the Parks and Wildlife Department to search for and inspect wildlife resources.
- S.B. 747** by Lucio, Truan Jurisprudence
Relating to permitting certain students who are graduates of the Reynaldo G. Garza School of Law to take the examination for a license to practice law in this state.
- S.B. 748** by Lucio Natural Resources
Relating to the regulation of the harvesting of and to research programs concerning oysters and shrimp.
- S.B. 749** by Lucio Economic Development
Relating to a fee for overweight trucks crossing international bridges.
- S.B. 750** by Lucio Jurisprudence
Relating to notice of a lien on aircraft for repairs and maintenance.
- S.B. 751** by Lucio Health and Human Services
Relating to the format and content of marriage license applications.
- S.B. 752** by Brooks Health and Human Services
Relating to the regulation of the practice of professional nursing.
- S.B. 753** by Brooks Education
Relating to the management, coordination, supervision, and provision of public school health services.
- S.B. 754** by Green State Affairs
Relating to the Teacher Retirement System of Texas.
- S.B. 755** by Green, Ellis, Armbrister, Brown, Education
Parker, Whitmire
Relating to changing the name of the University of Houston-University Park to the University of Houston.
- S.B. 756** by Green, Ellis, Armbrister, Brown, Education
Parker, Whitmire
Relating to the permanent advisory committee at the University of Houston-Clear Lake.
- S.B. 757** by Green Education
Relating to driver and traffic safety education; providing penalties.
- S.B. 758** by Green Natural Resources
Relating to the issuance of permits for new hazardous waste management facilities.
- S.B. 759** by Green Natural Resources
Relating to the issuance of a permit for a commercial off-site hazardous waste incinerator within a certain distance of a food handling facility in a navigation district.
- S.B. 760** by Green Intergovernmental Relations
Relating to the authority of commissioners courts to review matters in the unincorporated areas of counties.
- S.B. 761** by Green State Affairs
Relating to uniform standards for handicapped parking privileges.

- S.B. 762** by Green Economic Development
Subcommittee on Insurance
Relating to accelerated payment of certain benefits under group term life insurance policies.
- S.B. 763** by Green Jurisprudence
Relating to the apportionment of certain estate taxes and expenses.
- S.B. 764** by Lucio State Affairs
Relating to the municipal annexation of territory by general law municipalities.
- S.B. 765** by Lucio Criminal Justice
Relating to the use of criminal asset forfeiture funds for drug abuse treatment and prevention programs.
- S.B. 766** by Brooks Finance
Relating to the exemption from tuition at public institutions of higher education for certain veterans and their dependents.
- S.B. 767** by Johnson, Ellis, Barrientos Criminal Justice
Relating to the creation of the offenses of hate crime and institutional vandalism; allowing civil actions for those crimes; allowing the collection and maintenance of information about those crimes; and prohibiting inmates of the institutional division of the Texas Department of Criminal Justice from receiving hate publications.
- S.B. 768** by Green Intergovernmental Relations
Relating to the election, from single-member districts, of the governing body of a municipality with a population of 1.5 million or more.
- S.B. 769** by Green State Affairs
Subcommittee on Elections and Ethics
Relating to acquisition of certain postal service information for use by the secretary of state in maintaining a statewide voter registration file.
- S.B. 770** by Green Intergovernmental Relations
Relating to the fees charged by a county clerk for certain actions involving mental health services or chemical dependency services.
- S.B. 771** by Green Intergovernmental Relations
Relating to funds paid into court registries in certain counties.
- S.B. 772** by Henderson Finance
Relating to the appraisal and assessment of property for property taxes and to property that is omitted from a property tax appraisal roll, valuation notification, appraisal district and appraisal review board operations, facilities, and hearings; and regarding tax appeal attorney's fees.
- S.B. 773** by Henderson, Brooks Economic Development
Relating to the regulation of certain persons who represent or advise others in property tax matters; providing a criminal penalty.
- S.B. 774** by Glasgow State Affairs
Relating to the practice of optometry.
- S.B. 775** by Turner Economic Development
Relating to the standards for trust management and investment.
- S.B. 776** by Zaffirini Education
Relating to proprietary school degrees.

- S.B. 777** by Brooks, Green Finance
Relating to an emergency appropriation for the Texas Health Insurance Risk Pool.
- S.B. 778** by Brooks, Barrientos Jurisprudence
Relating to permanent guardianships for minors or physically or mentally handicapped persons.
- S.B. 779** by Green Natural Resources
Relating to a moratorium on permitting activities on applications for commercial industrial solid waste and commercial municipal hazardous waste storage, processing, or disposal facilities.
- S.B. 780** by Green Jurisprudence
Relating to the issuance of a license to carry a concealed handgun; providing penalties.
- S.B. 781** by Johnson State Affairs
Relating to the expansion of the railroad commission to six members.
- S.B. 782** by Harris of Tarrant, Leedom, Lucio State Affairs
Relating to the exemption of the names of applicants for the position of chief executive officer of a university or a school district or other political subdivision from public disclosure under the open records act.
- S.B. 783** by Harris of Tarrant Intergovernmental Relations
Relating to binding arbitration and court appeal in property tax appraisal disputes.
- S.B. 784** by Harris of Tarrant Intergovernmental Relations
Relating to the creation, administration, powers, duties, functions, operations, power to issue bonds and financing of Dallas County Utility and Reclamation District No. 1, power to levy taxes, power of eminent domain, power to annex and deannex properties, power to dissolve the District, power to enter into contracts and other related and necessary powers, validation, compliance with, Article 3, Section 52 and Article 16, Section 59 of the Texas Constitution.
- S.B. 785** by Harris of Dallas Criminal Justice
Relating to the disposition of abandoned or unclaimed property, gambling paraphernalia, prohibited weapon, criminal instrument, and other contraband.
- S.B. 786** by Sims Natural Resources
Subcommittee on Water
Relating to the amount of a civil penalty the Texas Water Commission may assess under the Solid Waste Disposal Act.
- S.B. 787** by Sims Finance
Relating to the amount of the sales and use tax municipalities may levy for the benefit of certain industrial development corporations.
- S.B. 788** by Sims Intergovernmental Relations
Relating to the effective tax rate in certain municipalities that impose a mass transit sales and use tax.
- S.B. 789** by Lucio Intergovernmental Relations
Relating to the investment of county funds.
- S.B. 790** by Montford, Leedom, Harris of Tarrant, Lucio Economic Development
Relating to the doctrine of forum non conveniens in certain judicial proceedings.

- S.B. 791** by Tejeda Criminal Justice
Relating to the authority of a sheriff to require certain defendants convicted of felonies and awaiting transfer to the institutional division of the Texas Department of Criminal Justice to participate in work programs operated by the sheriff.
- S.B. 792** by Tejeda Criminal Justice
Relating to prohibiting peremptory challenges to jurors in criminal cases on the basis of ethnicity or religion.
- S.B. 793** by Tejeda Intergovernmental Relations
Relating to the administration of and benefits payable by certain retirement systems for fire fighters and police officers.
- S.B. 794** by Tejeda Health and Human Services
Relating to the authority of the Texas Department of Mental Health and Mental Retardation to construct a psychiatric care facility in Bexar County.
- S.B. 795** by Tejeda Criminal Justice
Relating to permitting a sheriff to participate in decisions regarding which inmates are participants in a county jail work release program or are required to discharge fines and costs by confinement.
- S.B. 796** by Tejeda Criminal Justice
Relating to requiring a jurisdiction to promptly assume custody of a person being held in another county's jail.
- S.B. 797** by Carriker State Affairs
Relating to the production, marketing, and distribution of state travel materials.
- S.B. 798** by Carriker State Affairs
Relating to the authority of certain political entities to establish, finance, and administer a public retirement system.
- S.B. 799** by Carriker Economic Development
Subcommittee on Insurance
Relating to title insurance policy provisions.
- S.B. 800** by Dickson Economic Development
Relating to the regulation of obstructions to safe air navigation.
- S.B. 801** by Dickson Economic Development
Subcommittee on Insurance
Relating to death benefits payable to the survivors of certain public servants.
- S.B. 802** by Dickson, Sibley Education
Relating to the allocation of certain constitutionally dedicated funds to eligible institutions of higher education.
- S.B. 803** by Green Jurisprudence
Relating to the creation of a judicial district composed of Midland County and additional judicial districts composed of Harris County.
- S.B. 804** by Green State Affairs
Relating to polygraph examinations of certain civil service employees in certain counties.
- S.B. 805** by Green Economic Development
Subcommittee on Insurance
Relating to insurance requirements for certain limousines available for hire; providing a penalty.

- S.B. 806** by Green Jurisprudence
Relating to notice provisions in certain probate matters.
- S.B. 807** by Green Economic Development
Subcommittee on Insurance
Relating to title examinations and title insurance forms.
- S.B. 808** by Green Intergovernmental Relations
Relating to the governing board of certain metropolitan rapid transit authorities.
- S.B. 809** by Green Natural Resources
Relating to the authority of municipalities to issue permits for commercial hazardous waste incinerators.
- S.B. 810** by Green Natural Resources
Relating to the issuance of a permit for a commercial hazardous waste incinerator within a certain distance of a facility in which food is handled.
- S.B. 811** by Green Jurisprudence
Relating to the duration of certain temporary guardianships.
- S.B. 812** by Green Economic Development
Relating to education requirements for bail bondsmen.
- S.B. 813** by Green Natural Resources
Relating to the issuance of a construction permit for a proposed facility under the Texas Clean Air Act.
- S.B. 814** by Green Intergovernmental Relations
Relating to the use of arbitration in disputes regarding collective bargaining by certain metropolitan transit authorities.
- S.B. 815** by Parker Natural Resources
Relating to compulsory pilotage services to or from ports in this state; imposing a civil penalty.
- S.B. 816** by Barrientos Intergovernmental Relations
Relating to membership in and benefits and administration of fire fighters' retirement systems in certain municipalities.
- S.B. 817** by Barrientos Economic Development
Subcommittee on Insurance
Relating to renaming the group insurance advisory committee the group benefits advisory committee, and to the composition, powers, and duties of that advisory committee.
- S.B. 818** by Barrientos Natural Resources
Subcommittee on Water
Relating to water quality and the establishment of water quality standards and the assessment and management of water quality.
- S.B. 819** by Barrientos State Affairs
Relating to the creation of a public service leave program for certain state employees.
- S.B. 820** by Lyon Health and Human Services
Relating to the post-exposure treatment of first responders exposed to reportable communicable diseases; and declaring an emergency.
- S.B. 821** by Ellis Criminal Justice
Relating to the removal of spousal immunity to a charge of sexual assault.

- S.B. 822** by Johnson State Affairs
Relating to extending military leaves of absence for public employees under certain circumstances.
- S.B. 823** by Johnson Health and Human Services
Relating to the determination of death by a registered nurse in accordance with written policies of a licensed health care facility, institution, or entity.
- S.B. 824** by Parker Education
Relating to the powers and duties of boards of regents of certain institutions concerning certain contracts or agreements entered into by those institutions.
- S.B. 825** by Harris of Tarrant, Montford Criminal Justice
Relating to the creation of the offense of unlawfully carrying weapons at an airport.
- S.B. 828** by Lyon Criminal Justice
Relating to certain offenses under the Texas Controlled Substances Act, to the offense of driving while intoxicated, and to drug and alcohol abuse counseling, prevention, diagnosis, treatment, and education; making appropriations; providing penalties.
- S.B. 829** by Whitmire Economic Development
Relating to an increase in license and permit fees for the retail sale of certain alcoholic beverages in certain counties.
- S.B. 830** by Brooks, Sims Natural Resources
Relating to hazardous waste reduction.
- S.B. 831** by Barrientos State Affairs
Relating to the continuation, functions, and change of the name of the State Purchasing and General Services Commission, the transfer of responsibility for architectural barrier programs from the commission to the Texas Department of Licensing and Regulation, and the acquisition by the commission and other entities of property and services, including consulting services and school buses; providing penalties.
- S.B. 832** by Zaffirini Natural Resources
Relating to validation of the creation of the Uvalde County Underground Water Conservation District and actions of the district.
- S.B. 833** by Zaffirini Natural Resources
Relating to night hunting in Dimmit County.
- S.B. 834** by Zaffirini Intergovernmental Relations
Relating to the authority of a county government to improve certain roads in the county.
- S.B. 835** by Zaffirini Education
Relating to an international education fee to be collected from students at institutions of higher education.
- S.B. 836** by Dickson, Harris of Dallas Economic Development
Relating to the organization and regulation of state savings banks; providing penalties.
- S.B. 837** by Harris of Tarrant State Affairs
Relating to the regulation of the treatment of chemical dependency; providing a civil penalty.

- S.B. 838** by Johnson Jurisprudence
Relating to compensation for certain visiting judges for days attending judicial meetings and educational courses.
- S.B. 839** by Johnson, Ellis Economic Development
Relating to a criminal record check before the transfer of a firearm and to the possession of a firearm by a felon; providing criminal penalties.
- S.B. 840** by Johnson Economic Development
Relating to the inclusion of assault and semiautomatic rifles in the list of prohibited weapons the possession, manufacture, transportation, repair, or sale of which are criminal offenses.
- S.B. 841** by Johnson Health and Human Services
Relating to the regulation of diagnostic radiology centers.
- S.B. 842** by Johnson Health and Human Services
Relating to academic programs for training persons in the fitting and dispensing of hearing aids at institutions of higher education.
- S.B. 843** by Parker Education
Relating to the degree-granting authority of Lamar University at Port Arthur and Lamar University at Orange.
- S.B. 844** by Henderson Economic Development
Subcommittee on Insurance
Relating to certain assessments imposed on insurance companies to cover costs of state examination.
- S.B. 845** by Henderson Intergovernmental Relations
Relating to the power of the commissioners court in a county with a population of 2.39 million or more to set an optional motor vehicle registration fee in an amount not to exceed \$10.
- S.B. 846** by Moncrief State Affairs
Relating to motor vehicle inspections.
- S.B. 847** by Zaffirini Health and Human Services
Relating to requiring certain services for hearing impaired students at the Southwest Collegiate Institute for the Deaf and at the Texas State Technical Institute.
- S.B. 848** by Zaffirini Health and Human Services
Relating to the sale of dental supplies to an unregistered dental laboratory; providing a penalty.
- S.B. 849** by Zaffirini Health and Human Services
Relating to the regulation of dental assistants.
- S.B. 850** by Green Health and Human Services
Relating to the provision of workplace chemical lists and to fees for filing those lists.
- S.B. 851** by Ellis Intergovernmental Relations
Amending the municipal civil service act to allow for affirmative action appointments.
- S.B. 852** by Ellis Education
Relating to environmental education in the state.
- S.B. 853** by Moncrief, Lyon Criminal Justice
Relating to the reimbursement of expenses for the confiscation, analysis, storage, and disposal of controlled substances by a law enforcement agency.

- S.B. 854** by Armbrister Natural Resources
Subcommittee on Water
Relating to the study, correction, and control of pollution by the Lower Colorado River Authority and to the authority to charge and collect fees for regulatory permits related to the correction and control of the pollution.
- S.B. 855** by Armbrister Intergovernmental Relations
Relating to the extension of certain subdivision and other municipal ordinances into a municipality's extraterritorial jurisdiction.
- S.B. 856** by Brooks, Ellis, Green Intergovernmental Relations
Relating to the use of scrap tires by political subdivisions for road construction or repair.
- S.B. 857** by Harris of Dallas Health and Human Services
Relating to the regulation of the practice of chiropractic.
- S.B. 858** by Harris of Dallas Jurisprudence
Relating to the payment for a certified court reporter's charges for a deposition.
- S.B. 859** by Harris of Dallas Economic Development
Relating to advertising by a mixed beverage permittee.
- S.B. 860** by Harris of Tarrant Economic Development
Relating to the merger, reorganization, or conversion of state or federal savings banks, state or federal savings and loan associations, and state banks.
- S.B. 861** by Harris of Tarrant Intergovernmental Relations
Relating to qualifications of directors of the Dallas County Utility and Reclamation District, written notice given to purchasers of real property located in the district, and validation of certain actions of the district.
- S.B. 862** by Glasgow State Affairs
Relating to exempting certain management services from municipal competitive bidding and competitive sealed proposal requirements.
- S.B. 864** by Leedom Criminal Justice
Relating to the transfer to or from Texas of persons released on probation, parole, or mandatory supervision following conviction of an offense.

MEMORIAL RESOLUTION

S.R. 308 - By Rosson: In memory of United States Army Private Michael Dailey.

CONGRATULATORY RESOLUTIONS

S.R. 306 - By Bivins, Montford: Recognizing James T. Hull, President and Manager of Deaf Smith Electric Cooperative, Incorporated.

S.R. 309 - By Zaffirini: Expressing appreciation for the members of the Volunteer Income Tax Assistance program and designating March, 1991, as Volunteer Income Tax Assistance Month.

S.R. 311 - By Sibley: Extending congratulations to Leonard Aubrey Simpson and Cary Lois Morgan Simpson on the occasion of their golden wedding anniversary.

S.R. 312 - By Ellis: Extending congratulations to Pam and Gordon Johnson on the birth of their son, Reed Hilary Ellis Johnson.

S.R. 314 - By Glasgow: Honoring Mrs. Vernal Lucile Roberson Mayfield on the occasion of her 90th birthday.

S.R. 315 - By Parker: Honoring Mrs. Elizabeth Senigaur of Beaumont on her 100th birthday.

ADJOURNMENT

In accordance with a previously adopted motion, the Senate at 11:39 a.m. adjourned until 2:00 p.m. Monday, March 11, 1991.

In Memory**of****Marine 1st Sergeant James Dale Hawthorne**

Senator Bivins offered the following resolution:

(Senate Resolution 307)

WHEREAS, The Senate of the State of Texas joins with the citizens of Stinnett, Texas, and the entire state in mourning the tragic loss of Marine 1st Sergeant James Dale Hawthorne who was killed in Northern Kuwait on February 27, 1991; and

WHEREAS, The 24-year-old Marine was a tank commander with Company C, 4th Tank Battalion, 2nd Platoon from Amarillo, assigned to the 2nd Marine Division; and

WHEREAS, The brave young warrior played an important role in restoring the country of Kuwait to its people and his unselfish sacrifice will always be remembered by a grateful nation; and

WHEREAS, Hours before the cease fire went into effect, Sergeant Hawthorne was hit by shrapnel during the removal of abandoned Iraqi tanks and field pieces; and

WHEREAS, A five-year veteran of the Marine Corps, James will be remembered for his devotion to his country and his strong desire to carry out the duties and responsibilities of his command to the best of his abilities; and

WHEREAS, Volunteering his services to his country, this exemplary Marine answered his country's call in its hour of need, willingly and courageously exposing himself to danger; and

WHEREAS, A man of great honor and integrity, Marine Sergeant James Hawthorne is truly a Texas hero who richly deserves our nation's highest tribute; and

WHEREAS, His splendid example of valor is a testimonial to his family who instilled in their son the intrinsic values of patriotism; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 72nd Legislature, hereby pay tribute to the life of Marine 1st Sergeant James Dale Hawthorne and extend heartfelt condolences to the members of his family on their grievous loss: his wife, Carla; and his parents, James and Francis Hawthorne; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Marine 1st Sergeant James Dale Hawthorne.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Bivins and by unanimous consent, the resolution was adopted by a rising vote of the Senate.

**In Memory
of
Roger Valentine**

Senator Truan offered the following resolution:

(Senate Resolution 313)

WHEREAS, The Senate of the State of Texas joins with the citizens of Portland in mourning the death of Roger Valentine in the Persian Gulf War; and

WHEREAS, Assigned to the 3rd Battalion, 82nd Field Artillery of the 1st Cavalry Division at Fort Hood, this brave young soldier sacrificed his life in the service of the country he deeply loved; and

WHEREAS, A graduate of Sheffield High School in Memphis, Tennessee, this gallant young warrior enlisted in the Army in October, 1989; after completing his basic training at Fort Sill, Oklahoma, he was assigned to Fort Hood; and

WHEREAS, Deployed to Saudi Arabia in October, Roger served with great distinction with a gun crew for the M-109 howitzer; and

WHEREAS, A gentleman in the truest sense of the word, Roger's warmth and gentle nature merited him the respect and friendship of all who knew him; and

WHEREAS, A man of great honor and integrity, his memory will remain forever cherished in the hearts of his family and friends; and

WHEREAS, His splendid devotion to freedom for all people has earned him the gratitude of an entire nation; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 72nd Legislature, hereby pay tribute to the life of Roger Valentine and extend heartfelt condolences to the members of his family on their grievous loss: his wife, Rebecca Valentine; his parents, Thomas C. and Nancy D. Valentine; his sister, Teresa Williford; his grandfather, Therman F. Toler; and his grandmother, Kattie A. Valentine; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Roger Valentine.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Truan and by unanimous consent, the resolution was adopted by a rising vote of the Senate.